

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

CASE NO. 5:09-cr-01195 EJD

Plaintiff(s),

**ORDER GRANTING DEFENDANT'S
MOTION FOR BAIL AND STAY OF
SURRENDER DATE PENDING APPEAL**

v.

LLOYD MEYERS,

[Docket Item No. 187]

Defendant(s).

On May 5, 2014, Defendant Lloyd Meyers ("Defendant") came before the court for hearing on Defendant's Motion for Bail and Stay of Surrender Date Pending Appeal. See Docket Item No. 187. Defendant was represented by counsel, a representative of the United States Attorney's Office was present, and the court heard from the parties regarding Defendant's request. Having carefully reviewed the pleadings filed by the parties and hearing the arguments of counsel and having considered the applicable law, the court makes the following findings and conclusions:

On February 11, 2013, Defendant pled guilty to one count of conspiracy to commit wire fraud pursuant to a plea agreement under Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure. On October 22, 2013, Defendant was sentenced to 18 months in custody with a three year term of supervised release with conditions, and Defendant's surrender date was scheduled for May 8, 2014. On November 5, 2013, Defendant filed a notice of appeal.

A criminal defendant's release on bail pending appeal is governed by 18 U.S.C. § 3143(b).

1 Based on the circumstances presented here, the court finds by clear and convincing evidence that
2 Defendant is not likely to flee or pose a danger to the safety of any other person or the community if
3 released under 18 U.S.C. § 3142(b), in that: (1) Defendant has performed satisfactorily during
4 pretrial release and has maintained contact with Pretrial Services while out of custody under their
5 supervision; and (2) Defendant's appeal is not for the purpose of delay and raises a substantial
6 question of law or fact likely to result in reversal.

7 Accordingly, Defendant's Motion for Bail and Stay of Surrender Date Pending Appeal is
8 GRANTED. Defendant shall be released on the same terms and conditions that were imposed
9 during the period of pretrial release until further order of the court. Defendant's surrender date is
10 also STAYED pending a final decision by the Ninth Circuit Court of Appeals on Defendant's appeal
11 or until further order of the court.

12 **IT IS SO ORDERED.**

13
14 Dated: May 7, 2014


EDWARD J. DAVILA
United States District Judge